

MISC. CIVIL APPLICATION NO. 1634 OF 1991.

Date of decision: 11.12.1995.

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. Arun H. Mehta, advocate for petitioner.

Mr. P. S. Champenari, AGP, for respondent.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

December 11, 1995.

Oral judgment (Per Soni, J.)

This application is filed for necessary action against respondent for non-compliance of the order passed by this Court (Coram: K.G. Shah, J.) on 5.9.1991. The relevant portion of the order reads as under:

".....The petitioner shall be reinstated in service within four weeks from the receipt of the Writ and he shall be paid arrears of salary and all other monetary

benefits within eight weeks thereafter..."

It is true that the said order is not complied with, except reinstatement, within the time stipulated. Reinstatement was made within the time stipulated. Thereafter the amount due has been calculated and paid. However, there is a delay in payment. The same has been regretted in para 5 of the affidavit in reply. In our opinion the reason assigned for delay is justifiable and we accept the same. As the order is complied with, contempt stands purged. Hence, the proceeding deserves to be dropped as we accept the apology tendered by respondent.

In the result, the petition fails and is hereby dismissed. Rule discharged. No costs.